

REMARKS

Claims 1-17 are pending.

Claims 18-48 have been added.

Claims 7, 10, and 15 have been amended to correct a typographical error as suggested by the Examiner.

Claim 17 has been amended to correct the preamble of the claim to correspond to Claim 14 from which it depends.

Claim 5 has allowable material and has been rewritten in independent form to include the limitations of Claims 4, 2, and 1 from which it depended.

Claim 13 has allowable material and has been rewritten in independent form to include the limitations of Claims 12, 11, and 10 from which it depended.

The Applicants respectfully assert that the amendments to Claims 7, 10, 15 and 17 and incorporated by reference in any claims depending therefrom, are not narrowing amendments made for a reason related to the statutory requirements for a patent that will give rise to prosecution history estoppel. *See Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 56 U.S.P.Q. 1865, 1870 (Fed. Cir. 2000).

I. CLAIM OBJECTIONS

The Examiner objected to Claims 7, 8, 15, and 16 because of informalities in Claims 7 and 15. Claims 7 and 15 have been amended as suggested by the Examiner to correct the informalities. Claims 8 and 16 were objected to because they depended on Claims 7 and 15. The Applicants respectfully assert that the objections to Claims 7, 8, 15, and 16 are traversed by the above amendments.

II. REJECTION UNDER 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-4, 6-12, and 14-17 under 35 U.S.C. § 102(b) as being disclosed by a publication by *Ori Regev* entitled "Economic Oriented CPU Sharing System for the Internet; July 1998" (hereafter "*Regev*").

For a reference to anticipate a claimed invention, the reference must disclose every aspect of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Regev is a thesis submitted for a Master of Science in Computer Science. *Regev* discloses a system (method) for establishing a market for excess CPU time for devices coupled to the internet. The publication of *Regev* pertains to many things relating to the creation and operation of a "market" for CPU time. The Examiner is respectfully reminded that he has an obligation under 37 CFR § 1.104 (c)(2) to cite the best reference at his command. 37 CFR § 1.104 (c)(2) further states that "when a reference is complex or shows or describes inventions other than that claimed by the application, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." The Examiner has made a blanket statement that 4 pages of *Regev*, pages 6-9, disclose the invention of Claims 1-4, 6-12, and 14-17 without further specificity. For example, in rejecting all four steps of Claim 1, the Examiner cites *Regev*, pages 6-9 with no further detail or explanation. As a result, the Examiner has not adhered to 37 CFR § 1.104(c)(2).

Claim 1 of the present invention recites a method of operating a distributed parallel processing system, comprising 4 steps. In step 1, a server system is provided. In step 2, the server system is coupled to a network, the network being connectable to distributed devices. In step 3, entries to a sweepstakes are provided as an incentive to

couple the distributed devices to the server system through the network so that the distributed devices are capable of performing workloads for the distributed parallel processing system. In step 4, machine generated entries are received from the distributed devices.

The Examiner states that *Regev* discloses a method of operating a distributed parallel processing system comprising all of the steps of Claim 1 and cites pages 6-9 of *Regev* for support. However, the Examiner does state that *Regev* does not explicitly disclose a sweepstakes, but does disclose free gaming as compensation for the use of idle CPU time. The Examiner further states that a sweepstakes is a form of a game. While a sweepstakes may be termed a "game of chance" it is not the same as offering everyone who participates "free games." In this sense, everyone is a winner and there is no game of chance. A sweepstakes entry is a token required to play the sweepstakes. If a sweepstakes entrant has one of their entries drawn, they win. If one is granted entry to a game, they may play but "winning" is determined by a process other than drawing an entry. Therefore, *Regev* does not disclose a sweepstakes.

In pages 6-9, *Regev* discusses the topic titled 1.1 The POPCORN System, and the topic titled 1.2 A Micro-Economy of CPU time in which 1.2.1 The Goods, 1.2.2 The Money, and 1.2.3 Buying and Selling CPU Time are subtopics. For *Regev* to anticipate the invention of Claim 1, *Regev* must disclose every element (every step) of the claimed invention. Therefore, if any of the steps of Claim 1 are not found in *Regev*, then *Regev* does not anticipate the invention of Claim 1.

Regev discloses a distributed system (named POPCORN) that provides for "global computation over the Internet whose basic function is to provide any programmer on the Internet with a simple virtual parallel computer." The POPCORN system of *Regev* is configured by motivating independent owners of processors to commit their unused CPU time to the operation of the POPCORN system. To this end, *Regev* discusses how a "micro-economy" for CPU time may be established. In this model one or more levels of transactions may be used to ultimately get the required CPU time for the POPCORN system to provide an economical parallel

computer whose processing power may be re-marketed to programmers or users in need of its capabilities. *Regev* refers to the compensation that is returned to an owner of CPU time for its use as an abstract currency called "popcoin." *Regev* is attempting to construct a market that parallels the present world's economy where all goods and services are "converted" to a currency which may be used universally in exchange for other goods and services. In Claim 1 of the present invention, the compensation used to motivate an owner of CPU time to commit CPU time to a distributed parallel processing system is entries to a sweepstakes. A sweepstakes is a process where some prize is awarded to a winner (usually one winner) who enters the sweepstakes. In this sense, the entry is a "chance" to win the prize and typically the more "entries" a participant has the more likely the participant in the sweepstakes is to win the prize. A sweepstakes model is described in the Specification of the present disclosure on page 4, line 19 through page 5, line 9.

In step 3, entries to a sweepstakes are provided as an incentive to couple the distributed devices to the server system through the network so that the distributed devices are capable of performing workloads for the distributed parallel processing system. *Regev* discloses that motivations for an owner to provide CPU time comprise a to the provider future CPU time. However, step 4 of the present invention recites "receiving machine generated entries from the distributed devices." Step 4 of Claim 1 recites the novel step of receiving machine generated entries from the distributed devices that are capable of performing workloads for the distributed parallel processing system. Therefore in Claim 1, two steps entail entries; step 3 providing entries to a sweepstakes as an incentive to couple distributed devices to the server system through the network and step 4 receiving machine generated entries from the distributed devices. *Regev* only discloses motivations for one processor to provide CPU-time to another. See *Regev*, page 8, 1.2.2 The Money. The Applicant asserts that step 4 of Claim 1 is not disclosed anywhere in *Regev*, specifically not in pages 6-9 cited by the Examiner. Since *Regev* does not disclose all the steps of Claim 1, then the invention of Claim 1 is not anticipated by *Regev*. The Applicant, therefore,

asserts that the rejection of Claim 1 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons.

Claim 2 is dependent from Claim 1 and contains all the limitations of Claim 1. Claim 2 adds the step of sending an entry workload to the distributed devices. An entry workload is one which results in the distributed device generating sweepstakes entries upon completion of the entry workload. *Regev* discloses a "Computelet" as "sub-computations that are forwarded to connected CPU-time sellers, who execute them and return the results." *Regev* further discloses that a Computelet is a true object that contains both code to be executed and the data that is operated on. *Regev* discloses a "Computation Packet" that contains the Computelet and further describes characteristics of the Computation Packet. However, *Regev* does not disclose the step of sending entry workloads to the distributed devices. Entry workloads are defined in the Specification of the present invention on page 6, lines 3-5 and lines 12-15: "In addition, an entry workload is sent to the distributed devices, and the receiving step includes receiving completed results of the entry workload from the distributed devices, where the completed results representing a sweepstakes entry." "The sweepstakes database storing machine generated entries associated with a plurality of the distributed devices that are capable of performing a workload for the distributed parallel processing system. More particularly, the machine generated entries are the results from an entry workload sent to the distributed devices." The Examiner is reminded that the broadest interpretation of a word in a claim must be given its plain meaning unless the Applicant has provided a clear definition in the Specification. This is the case for entry workloads in Claim 2 of the present invention. The Applicant, therefore, asserts that the rejection of Claim 2 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claims 2 and 1.

Claim 3 is dependent from Claim 2 and contains all the limitations of Claim 2. Claim 3 limits the entries in the step of receiving machine generated entries, wherein the completed results of the entry workload represent a sweepstakes entry. *Regev* does not disclose entry workloads or the step of receiving machine generated entries

and thus does not disclose the step of receiving machine generated entries wherein the completed results of the entry workload represent a sweepstakes entry. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 3 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claims 2 and 1.

Claim 4 is dependent from Claim 2 and contains all the limitations of Claim 2. Claim 4 limits the entry workloads to the distributed devices to be sent at regular intervals. *Regev* does not disclose entry workloads and thus does not disclose entry workloads that are sent at regular intervals. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 4 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claims 2 and 1.

Claim 6 is dependent from Claim 1 and contains all the limitations of Claim 1. Claim 6 adds the step of providing a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries. *Regev* does not disclose the step of receiving machine generated entries and thus does not disclose the step of providing a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 6 under 35 U.S.C. § 102(b) as being

disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 1.

Claim 7 is dependent from Claim 6 and contains all the limitations of Claim 6. Claim 7 limits the client agent to sending machine generated entries at regular time intervals depending upon a status for the distributed device. *Regev* does not disclose the step of receiving machine generated entries and thus does not disclose the step of providing a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries at regular time intervals depending upon a status for the distributed device. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 7 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 6.

Claim 8 is dependent from Claim 7 and contains all the limitations of Claim 7. Claim 8 limits the status of Claim 7 to whether the distributed device is processing workloads for the distributed processing system. *Regev* does not disclose the step of receiving machine generated entries and thus does not disclose the step of providing a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries at regular time intervals depending upon a status of the distributed device, wherein the status is whether the distributed device is processing workloads for the distributed processing system. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 8 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 7.

Claim 9 is dependent from Claim 6 and contains all the limitations of Claim 6. Claim 9 adds the step of utilizing the entry workload to generate sweepstakes entries. *Regev* does not disclose the step of receiving machine generated entries and does not disclose entry workloads and thus does not disclose the step of utilizing the entry workload to generate sweepstakes entries. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 and pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 9 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 6.

The Examiner rejected Claims 10-12 and 14-17 under 35 U.S.C. § 102(b) as being disclosed by *Regev* by simply stating the paragraphs cited in rejecting Claims 1-9 apply fully without further specificity. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. As a result, Applicant asserts that the Examiner has failed to prove a *prima facie* case of anticipation, since Claims 10-12 and 14-17 recite limitations different from those recited in Claims 1-9.

Claim 10 is currently amended to correct an antecedent problem. Amended Claim 10 is an independent claim to a distributed processing system having machine generated sweepstakes entries comprising a server system coupled to a network connectable to distributed devices and a sweepstakes database coupled to the server system, wherein the sweepstakes database stores machine generated entries associated with a plurality of the distributed devices being capable of performing a workload for the distributed processing system.

The Applicant has shown relative to Claim 1 that *Regev* does not disclose machine generated entries. Further, nowhere in pages 6-9 does *Regev* disclose a

sweepstakes database. The Examiner has admitted that *Regev* does not explicitly disclose a sweepstakes; rather, the Examiner relies on his assertion that since *Regev* discloses free gaming that somehow *Regev* discloses sweepstakes entries. The Applicant does not find a disclosure in *Regev* of a sweepstakes database for storing sweepstakes entries. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 10 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the same reasons argued for Claim 1.

Claim 11 is dependent from Claim 10 and contains all the limitations of Claim 10. Claim 11 limits the machine generated entries to results from an entry workload sent to the distributed devices. *Regev* does not disclose entry workloads or machine generated entries and thus does not disclose a distributed processing system where machine generated entries are results from an entry workload sent to the distributed devices. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 11 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claims 10 and 1.

Claim 12 is dependent from Claim 11 and contains all the limitations of Claim 11. Claim 12 limits the entry workloads to being sent to the distributed devices at regular intervals. *Regev* does not disclose entry workloads and thus does not disclose a distributed processing system wherein entry workloads are sent to distributed devices at regular intervals. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 12 under 35 U.S.C. § 102(b) as being

disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claims 2 and 1.

Claim 14 is dependent from Claim 10 and contains all the limitations of Claim 10. Claim 14 adds a client agent to the distributed processing system that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries. *Regev* does not disclose machine generated entries and thus does not disclose a distributed processing system that has a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 14 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 1.

Claim 15 is dependent from Claim 14 and contains all the limitations of Claim 14. Claim 15 limits the client agent to sending machine generated entries at regular time intervals depending upon a status for the distributed device. *Regev* does not disclose machine generated entries and thus does not disclose a distributed processing system that has a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries at regular time intervals depending upon a status for the distributed device. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 15 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 14.

Claim 16 is dependent from Claim 15 and contains all the limitations of Claim 15. Claim 16 limits the status of Claim 15 to whether the distributed device is processing workloads for the distributed processing system. *Regev* does not disclose machine generated entries and thus does not disclose a distributed processing system that has a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries at regular time intervals depending upon a status of the distributed device, wherein the status is whether the distributed device is processing workloads for the distributed processing system. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 16 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 15.

Claim 17 is dependent from Claim 14 and contains all the limitations of Claim 14. Claim 17 limits the machine generated entries to results from an entry workload sent to the distributed devices and processed by the client agent. *Regev* does not disclose machine generated entries or entry workloads and thus does not disclose machine generated entries that are the results from an entry workload. Further, the Examiner has not cited specific language in *Regev* that teaches this limitation, except for a blanket reference to all of pages 6-9 and pages 40-42 of *Regev*. This is an improper rejection under 37 CFR § 1.104(c)(2), and therefore the Examiner has failed to prove a *prima facie* case of anticipation. The Applicant, therefore, asserts that the rejection of Claim 17 under 35 U.S.C. § 102(b) as being disclosed by *Regev* is traversed for the above reasons and for the reasons argued for Claim 14.

III. CONCLUSION

The Applicant has rewritten Claims 7, 10 and 15 to correct a informalities.

Claims 18-48 have been added.

The rejections of Claims 1-4, 6-12, and 14-17 under 35 U.S.C. § 102(b) as being disclosed by *Regev* are traversed.

The Applicants, therefore, respectfully assert that Claims 1-17 and added Claims 18-48 are now in condition for allowance and request an early allowance of these claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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